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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,631	01/22/2002	H. Duane Saunders	51895-231295	8810
25764	7590	06/28/2005		
FAEGRE & BENSON LLP PATENT DOCKETING 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			EXAMINER ALI, SHUMAYA B	
			ART UNIT 3743	PAPER NUMBER

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/054,631

Applicant(s)

SAUNDERS, H. DUANE

Examiner

Shumaya B. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>response to argument</u>               |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1 and 28 have been considered but are moot in view of the new ground(s) of rejection. **Claims 1 and 28, and all claims depending therefrom can be rejected over the obviousness of Lake US Patent 6,277,141 B1 in view of Cook et al US Patent 5,181,904.**
2. Regarding *"...Lake does not disclose a therapeutic apparatus having a first actuator adapted to move the first body supporting portion relative to the second body supporting portion along the longitudinal axis"* (see applicant's remarks page 1 ¶3): Lake discloses a therapeutic apparatus for supporting a patient in a plurality of bodily orientations including pitch, roll, and yaw modes illustrated in figure 9 (see also col.1 lines 16-18, col.3 lines 1-5). Additionally discloses apparatus comprising head, center, and end tables where the end table is mounted on a support frame for sliding movement along a central longitudinal axis of the frame (col.2 lin67, col.3 lines 1-2, col.8 lines 13-17), clearly reciting limitations of claims 1 and 28, movement of the first body supporting portion relative to the second body supporting portion along a longitudinal axis. Therefore, Lake's therapeutic apparatus is capable of displacing one body support portion relative to the other along a longitudinal axis.
3. Lake discloses a crossbar driven sliding movement (see col.5 lines 18-32 for sliding mechanism), whereas applicant requires an "actuator" driven sliding movement. Cook et al. teaches a pneumatic traction device, which includes a pneumatic cylinder having a patient engaging device, mounted to a pneumatic piston slidably positioned in the pneumatic cylinder. The pneumatic cylinder in turn is connected to a mounting device, which can be mounted to a wall, for example. Compressed air, provided by a motor driven compressor, is directed on a timed basis to a chamber on one side of the pneumatic piston to move the pneumatic piston in a direction, which pulls on the patient engaging device to provide traction to the

patient (see abstract). Whether, hung on a wall or other mounting device, Cook et al. device is capable of moving a patient engaging portions, a headrest ("first body supporting portion") (fig.1 an actuator 12 is adapted to reference object 34) with respect to a cervical traction device ("second body supporting portion") (fig.1 reference object 36) in a slidable (back and forth along a bar, fig.1 reference object 28) manner.

Therefore, an actuator driving movement along a path on the bar complies with applicant's definition of a movement along a longitudinal axis ("longitudinal axis" reeferes to the axis along which a body supporting portion can be displaced"). Cook et al. additionally teach a pneumatic system provides a soft traction force on the patient by which better therapeutic results can be obtained (col.1 lines 33-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the mechanical parts allowing sliding movement in Lake's apparatus with an actuator in view of Cook et al. for the purposes of delivering higher efficiency traction therapy.

4. **Regarding, " The hydraulic caliper brakes 67, 68 disclose in Lake (i) prevent movement when activated and (ii) permit movement when deactivated but can not displace or move portions of the table, a recited in claims 1 and 28" (see applicant's remarks ¶3):** notice, however, the brakes used in Lake's apparatus are used as a locking mechanism to prevent ("activating") certain movements (either sliding, yaw, roll, or pitch) while allowing ("deactivating") others. Therefore, brakes in addition to the crossbars as discussed above are mutually involved in displacing a table portion.

5. Regarding, "...neither the lake reference nor the Riddle et al. reference disclose an actuator adapted to move a first body supporting portion relative to the second body supporting portion along a longitudinal axis" (see applicant's remark page 2 ¶2): Riddle and Cook et al. both teach actuator driven movement, and Cook et al. additionally teach movement of a first body supporting portion relative to a second body supporting portion along a longitudinal axis.

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6. Applicant's primary argument regarding the actuator driven movement of body supporting portions relative to one another along a longitudinal axis can be overcome by the obviousness of Lake in view of Cook et al. as discussed above. Therefore, claims 1 and 28, and all claims depending therefrom stands rejected.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shumaya B. Ali** whose telephone number is **571-272-6088**. The examiner can normally be reached on M-F 8:30 am-4:30 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Henry Bennett** can be reached on **571-272-4791**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-6088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Shumaya B. Ali  
Examiner  
Art Unit 3743  
6/27/05

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700